

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 109 Session of 2009

INTRODUCED BY MANDERINO, BRIGGS, GERBER, BEYER, CALTAGIRONE,
DALEY, KORTZ, KULA, MAHONEY, MURT AND PHILLIPS,
JANUARY 28, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 28, 2009

AN ACT

1 Authorizing Lower Merion Township, Montgomery County, to sell
2 and convey certain Project 70 lands free of restrictions
3 imposed by the Project 70 Land Acquisition and Borrowing Act,
4 in return for the imposition of Project 70 restrictions on
5 other land to be acquired by the township.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Authorization.

9 Pursuant to the requirements of section 20(b) of the act of
10 June 22, 1964 (Sp.Sess., P.L.131, No.8), known as the Project 70
11 Land Acquisition and Borrowing Act, the General Assembly
12 authorizes the release of Project 70 restrictions on a portion
13 of lands owned by Lower Merion Township, Montgomery County,
14 which are more particularly described in section 3, for a
15 consideration of \$180,000, which represents the fair market
16 value of the property as determined by an appraisal, in return
17 for imposition of Project 70 restrictions on other land to be
18 conveyed and deeded to the township, as described in section 4.

19 Section 2. Freedom of restrictions.

1 The lands described in section 3 shall be free of
2 restrictions on use and alienation imposed by the Project 70
3 Land Acquisition and Borrowing Act upon conveyance of the lands
4 by Lower Merion Township.

5 Section 3. Land to be released from restrictions.

6 The section of the land to be released from Project 70
7 restrictions are situated in the Township of Lower Merion,
8 Montgomery County, and more particularly described as follows:

9 All that certain lot or piece of ground with the buildings
10 and improvements thereon erected, situate in Lower Merion
11 Township, Montgomery County, Pennsylvania and described
12 according to the final subdivision plan for Portions of 112 Mary
13 Waters Ford Road, prepared for Lower Merion Township, by Pennoni
14 Associates, Inc., dated November 27, 2006, last revised March
15 19, 2008, as follows to wit:

16 Beginning at the point on the easterly side of Smith Drive
17 (50 feet wide) which point is located the following four courses
18 and distances from the intersection of the centerline of Mary
19 Waters Ford Road with the easterly side of the above mentioned
20 Smith Drive (50 feet wide) as follows: (1) extending along the
21 easterly side of Smith Drive (50 feet wide) S 25°01'00" E, the
22 distance of 100.98 feet to a point of curvature; thence (2)
23 along the arc of a circle curving to the right having a radius
24 of 710.58 feet the arc distance of 99.84 feet to a point of
25 reverse curvature; thence (3) along the arc of a circle of
26 reverse curvature curving the left with a radius of 710.58 feet
27 the arc distance of 99.84 feet to a point on the easterly side
28 of Smith Drive; thence (4) S 25°01'00" E, the distance of 88.33
29 feet to the place of beginning; thence extending from said point
30 of beginning N 68°21'37" E the distance of 160.88 feet to a

1 point; thence S 21°38'23" E the distance of 90.68 feet to a
2 point; thence S 64°59'00" W the distance of 155.26 feet to the
3 easterly side of the aforesaid Smith Drive; thence extending
4 along the easterly side of said Smith Drive N 25°01'00" W the
5 distance of 100.00 feet to the first mentioned point and place
6 of beginning and containing these metes and bounds 15,057 square
7 feet of land, more or less. Be the contents thereof what they
8 may.

9 Section 4. Use of sale proceeds.

10 The consideration of \$180,000 from the sale of the land shall
11 be deposited in a special account established by Lower Merion
12 Township for acquisition of park land. Within two years of the
13 effective date of this act, the township shall acquire park land
14 of equal market value and equivalent usefulness to replace the
15 land described in section 3. Use of funds from the special
16 account must be approved by the Department of Conservation and
17 Natural Resources. Any funds remaining in the special account
18 after two years of the effective date of this act shall be paid
19 to the Commonwealth for deposit into the Project 70 Land
20 Acquisition Sinking Fund.

21 Section 5. Remedies.

22 If Lower Merion Township fails to comply with section 4, the
23 Department of Conservation and Natural Resources may invoke the
24 remedies provided for in section 20 of the act of June 22, 1964
25 (Sp.Sess., P.L.131, No.8), known as the Project 70 Land
26 Acquisition and Borrowing Act.

27 Section 6. Project 70 deed clause.

28 The following restrictions shall be included in the deed for
29 the replacement land:

30 "This indenture is given to provide land for recreation,

1 conservation and historical purposes, as said purposes are
2 defined in the Project 70 Land Acquisition and Borrowing Act."
3 Section 7. Effective date.
4 This act shall take effect immediately.